

YOR920000776US1  
Amendment dated 10/20/2004

09/773,809

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Reply to office action mailed 07/20/2004

**REMARKS**

Claims 1, 2 and 9-14 are currently pending in the application, claims 3-8 having been canceled in response to a restriction requirement. By this amendment, claim 2 is canceled and claims 1, 9 and 11 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each .

The Examiner indication that he has examined claims 1 and 9-14 together is acknowledged with appreciation.

The Examiner has indicated that the title should be brief, descriptive and technically accurate. The title has been amended accordingly.

The Examiner has objected to claims 11-12 because the letter k is not indicated as having limits. Those skilled in the art will recognize that the lone k underneath the summation sign means summation from 1 to m, and the claims have been amended to make that explicit.

The Examiner has rejected claims 1 and 9-14 under 35 U.S.C. §101 on the ground that the claimed invention is directed to non-statutory subject matter. In particular, according to the Examiner, the claims pertain to a manual process and therefore do not fall within the technological arts. The claims have been amended to overcome this ground of rejection by making clear that the method relies upon the technological arts.

The Examiner has rejected claims 1 and 9-10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,266,649 to Linden. Linden generates personalized recommendations of items based on the collective interests of a community of users, where the recommended items are identified using a mapping structure which maps individual items to lists of similar items, and where the similarities are based upon correlations between the interests of users in particular items. Linden focuses on the particular customer's item buying history and

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"associated items" via the commonality index, CI. The Linden reference itself points out (col. 3, line 31) that CI computation is intensive and therefore suggests a number of run time updating tricks. The table is still a very large amount of data to be stored. Further more the CI computation does not separate the preferences of renewal and associative tendencies and lumps the two in it's estimation. According to the present invention, the Linden approach therefore results in a less accurate calculation of the overall item preference. The present invention determines preference for an item from two separately calculated components (renewal and associated, i.e. "related") to be more accurate. The associated component, as the name indicates, is a preference by association with existing items in the basket in progress (page 3, lines 1-2), whereas the renewal component reflects independently exercised purchases (page 3, lines 2-3), where the basket content is immaterial for the preference assigned to any item not already in the basket (page 4, lines 19-20). The separate consideration of these components (page 4, lines 12-14) is an aspect of the invention not present in Linden or other prior art. The claims have been amended to clarify this aspect of the invention.

It may be noted that U.S. Patent No. 6,041,311 to Chislenko referenced by the Examiner is no different than the other prior art in estimating the "related" buying preference. It also concentrates on the customer's own purchase history and own past item ratings. Chislenko's item similarity matrix corresponds to the CI of Linden, however, with similar computational complexity no matter which one of many alternatives he discloses are used. This reference does not disclose or suggest the separation of renewal versus associated buying preferences.

The Examiner has rejected claims 11-14 under 35 U.S.C. §103(a) as being unpatentable over Linden. Since claims 11-14 depend from claim 9, which is now believed to be in allowable form, the Examiner's rejection of these claims is also overcome. It will be observed, with the amendment to claim 9, that the mathematical aspects of claims 11-14 confirm the separate consideration given to the renewal and

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associative components of the probabilities that an item not yet in the basket will be selected by the customer.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 and 9-14 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Respectfully submitted,



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